

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF PHOENIX NETWORK	)	
CORPORATION FOR A CERTIFICATE	)	
OF PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO. 89-288
PROVIDE LONG DISTANCE TELECOMMUNICATIONS	)	
SERVICES STATEWIDE AS A RESELLER WITHIN	)	
THE COMMONWEALTH OF KENTUCKY	)	

O R D E R

This matter arising upon petition of Phoenix Network Corporation ("Phoenix Network") filed November 21, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of balance sheets and operating statements on the grounds that disclosure is likely to result in competitive injury to Phoenix Network, and it appearing to the Commission as follows:

Phoenix Network has filed an application for a Certificate of Public Convenience and Necessity to provide long distance telecommunications services as a reseller within this state. As a part of its application, Phoenix Network has submitted as Exhibits C and D the balance sheets and operating statements for Phoenix Network and its affiliate Charter Network Company. The financial information contained in the exhibits would enable competitors of Phoenix Network and Charter Network Company to unfairly compete with them in pricing, the offering of new services, and the acquisition of other providers of telecommunications services. Disclosure of the financial information set forth in these exhibits would reveal strengths and weaknesses of the companies

and their relative abilities to meet competitive challenges in acquisitions and pricing. Competitors would have an unfair advantage of having inside information directly related to Phoenix Network's ability to initiate or compete in a given acquisition opportunity, to withstand a given pricing challenge, or to expand services into a given market.

807 KAR 5:001, Section 7, protects information as confidential when it establishes that disclosure will result in competitive injury to the party from whom the information was obtained. To meet this requirement the party claiming confidentiality must demonstrate actual competition and a likelihood of subsequent competitive injury if the information is disclosed. In its petition Phoenix Network has demonstrated that there is competition in the market which it serves and that this information would be of substantial value to its competitors. Therefore, the information should be protected from disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

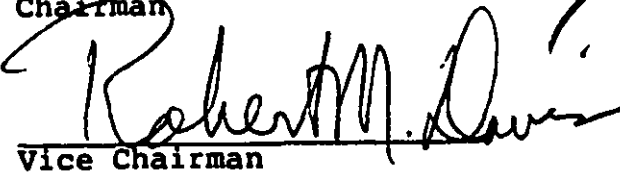
1. Balance sheets and operating statements for Phoenix Network and its affiliate Charter Network Company contained in Exhibits C and D of Phoenix Network's application, shall be withheld from public disclosure and shall be held and retained by this Commission as confidential and not open for public inspection.

2. Phoenix Network shall, within 10 days of this Order, file an edited copy of Exhibits C and D with the confidential materials obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 18th day of December, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

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Commissioner

ATTEST:

\_\_\_\_\_  
Executive Director